

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 16] NEW DELHI, THURSDAY, APRIL 2, 1953

HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 2nd April, 1953:—

BILL No. 28 OF 1953

A Bill to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the Legislative Assembly of the State of Vindhya Pradesh.

BE it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Vindhya Pradesh Legislative Assembly (Prevention of Disqualification) Act, 1953.

(2) It shall be deemed to have come into force on the 26th day of April, 1952.

2. **Definition.**—In this Act, "District Advisory Council" means any District Advisory Council appointed under the order of the Government of Vindhya Pradesh in the General Administration Department No. 47, dated the 26th April, 1952.

3. **Prevention of disqualification for membership of the Legislative Assembly of Vindhya Pradesh in certain cases.**—It is hereby declared that the offices of members of any District Advisory Council shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Vindhya Pradesh.

4. **Indemnity for and removal of disqualification of certain members.**—For the removal of doubts it is hereby declared that the members of the Legislative Assembly of the State of Vindhya Pradesh mentioned in the Schedule shall be deemed never to have become disqualified for being members of the said Assembly by reason only of their having held offices of members of any District Advisory Council notwithstanding any law or decision to the contrary, and their seats shall be deemed never to have become vacant on such account and they shall be, and are hereby, freed and discharged and indemnified from all penal consequences incurred by them by sitting or voting as members of the said Assembly while holding offices of members of any District Advisory Council at any time before the passing of this Act.

THE SCHEDULE

- (1) Shri Bisraj Singh Tiwari.
- (2) Shri Chandra Pratap Tiwari.
- (3) Shri Narendra Singh.
- (4) Shri Lal Mohammad.
- (5) Shri Panna Lal.
- (6) Shri Govinda Das.
- (7) Shri Pyare Lal.
- (8) Shri Shyam Sunder Das "Shyam".
- (9) Shri Laxmi Narain.
- (10) Shri Ramdas Chowdhury.
- (11) Shri Lalli Charnakar.
- (12) Shri Thakur Das Mishra.

STATEMENT OF OBJECTS AND REASONS

On the 26th April, 1952 the Vindhya Pradesh Government set up a District Advisory Council in each District of Vindhya Pradesh with a view to associating non-official representatives with the administration. The Members of the Legislative Assembly were made members of the District Advisory Councils of their district. It was provided that these members should be paid travelling allowance and daily allowance for the day or days of the meetings of the District Advisory Councils according to the rates admissible to the Members of the Legislative Assembly. Representations were made to the President that as certain members of the Legislative Assembly had been appointed by the Lieutenant Governor, Vindhya Pradesh, as members of the District Advisory Councils, an office of profit, they had become disqualified to be Members of the State Assembly under section 17 of the Government of Part C States Act, 1951. The matter was referred to the Election Commission by the President and it came to the conclusion that 12 Members of the Vindhya Pradesh Legislative Assembly had become subject to disqualification as a result of holding offices of profit under the Vindhya Pradesh Government. The President has accepted the advice of the Election Commission and issued an Order disqualifying these 12 members from being members of the Vindhya Pradesh Legislative Assembly. As the Vindhya Pradesh Government set up these Advisory Councils in perfectly good faith, and as the Members in question have incurred disqualification for no fault of theirs, it has been decided to remove the disqualification incurred by the Members in question and also to indemnify them from the penalties mentioned in section 18 of the Government of Part C States Act, 1951. The present Bill gives effect to this decision.

NEW DELHI;

The 1st April, 1953.

K. N. KATJU.

M. N. KAUL,
Secretary.